

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**JEREMY DALE DAVIS**

**PETITIONER**

**V.**

**CIVIL ACTION NO.: 1:17CV75-GHD-DAS**

**ATTORNEY GENERAL JIM HOOD and  
TIMOTHY MORRIS**

**RESPONDENTS**

**ORDER TRANSFERRING CASE TO THE  
FIFTH CIRCUIT COURT OF APPEALS**

This matter comes before the Court, *sua sponte*, for consideration of the transfer of this cause. Jeremy Dale Davis has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his convictions and sentences aggravated assault on police officer, escape, burglary of a dwelling, and possession of a firearm by a convicted felon in the Circuit Court of Monroe County, Mississippi.

Davis has filed at least one other unsuccessful § 2254 motion concerning the same sentences which he now seeks to challenge. *See Davis v. King*, 1:12cv160-NBB-SAA (N.D. Miss.). The Antiterrorism and Effective Death Penalty Act requires that an applicant seeking to file a second or successive petition first “move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). Davis has not obtained such an order. Rather than dismissing the petition on this basis, the Fifth Circuit has allowed district courts to transfer the petition for consideration pursuant to 28 U.S.C. § 2244(a) and (b)(3)(C). *See In re Epps*, 127 F.3d 364, 365 (5th Cir. 1997). Therefore, in the interest of justice and judicial economy, it is hereby **ORDERED**:

- 1) That this petition shall be transferred to the Fifth Circuit Court of Appeals for the

petitioner to seek permission to file this successive § 2254 petition;

2) That the Clerk of Court is directed to transfer this petition and the entire record to the Fifth Circuit Court of Appeals in accordance with 28 U.S.C. § 2244(a) and (b)(3)(C), and *In re Epps*, 127 F.3d at 365; and

3) That this case is **CLOSED**.

**THIS** the 14<sup>th</sup> day of June, 2017.



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SENIOR UNITED STATES DISTRICT JUDGE